

COASTAL CONSERVANCY

Staff Recommendation

March 2, 2006

MANGINI RANCH ACQUISITION

File No. 06-003

Project Manager: Betsy Wilson

RECOMMENDED ACTION: Authorization to disburse up to \$900,000 to Save Mount Diablo for the acquisition of an approximately 208-acre portion of the Mangini Ranch in Contra Costa County.

LOCATION: The Mangini Ranch property is located in an unincorporated area of Contra Costa County, north of Walnut Creek, and south of Concord and Clayton (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Site Photographs

Exhibit 3: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed nine hundred thousand dollars (\$900,000) to Save Mount Diablo (“SMD”) for the acquisition of an approximately 208-acre portion of the Mangini Ranch property as shown in Exhibit 1. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, SMD shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. All relevant acquisition documents, including but not limited to escrow instructions, a current appraisal, environmental assessments, purchase agreement, title reports, and documents of title necessary to the acquisition of the property.
 - b. Evidence that sufficient funds are available to complete the acquisition.

- c. Evidence that SMD has completed the subdivision of the Mangini Ranch property and an access easement to facilitate purchase and use of the property.
2. SMD shall pay no more than fair market value for the Property.
3. SMD shall permanently dedicate the Property for habitat preservation, open space protection and public access, through an appropriate instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property, the design and location of which has been approved by the Executive Officer, and maintain the property to allow public access.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. SMD is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

This authorization would fund Save Mount Diablo's (SMD) acquisition of an approximately 208-acre portion of the Mangini Ranch property, an undeveloped property in unincorporated Contra Costa County. The property is located on the north side of Mount Diablo, close to the Crystyl Ranch subdivision in the City of Concord, and adjacent to Lime Ridge Open Space. This project is a priority for the Conservancy's San Francisco Bay Program because it will preserve important habitat, recreation, scenic, and open space resources that are under threat of development.

The entire Mangini Ranch property is approximately 233 acres. In February 2005, SMD entered into a purchase agreement with the Mangini family to acquire an approximately 208-acre portion of the property. The remaining 25 acres will be retained by the Mangini family and they will provide a permanent access easement to the larger parcel. A minor subdivision to create the two afore-mentioned parcels was conditionally approved by Contra Costa County on January 9, 2006; SMD and the Mangini family are currently working to finalize the subdivision.

Maintaining the Mangini Ranch property as open space and grazing land is consistent with and supported by the Contra Costa County General Plan and the draft Concord 2030 General Plan. The Mangini Ranch property has long been one of SMD's top five acquisition priorities due to the location of the property as a wildlife and recreational corridor between existing public open space and because of the quality of the natural habitat and its resources. The property is also

under the threat of development from surrounding subdivisions. The acquisition of the Mangini Ranch property by SMD and its protection as open space will provide for the protection of diverse wildlife habitats and rare and threatened plant and animal species, will enable the expansion of the public's natural lands, and will extend two regional trails, the Lime Ridge Ridgeline Trail and the California State Riding and Hiking Trail.

After the acquisition, SMD will initially own and manage the Mangini Ranch property. Over the long-term, SMD intends to transfer ownership and management of the property to California State Department of Parks and Recreation or the City of Concord. SMD is willing to and has the financial capacity to maintain ownership of the property long-term if they are unable to transfer the property to another entity.

Site Description: The Mangini Ranch is an approximately 233-acre property located on the north side of Mount Diablo, adjacent to Lime Ridge Open Space and in close proximity to Mount Diablo State Park (see Exhibit 1). The property is an undeveloped oak and grassland bowl rising to Lime Ridge (see Exhibit 2 for site photographs) and is located just outside of Contra Costa County's Urban Limit Line. Current county zoning would allow for subdivision into five parcels for estate home development.

The area surrounding the property is virtually undeveloped open space that has historically been used for grazing. However, the property is in close proximity to the 454-unit Crystyl Ranch subdivision and a variety of other newer, modern single-family and mixed-use residential developments. The Mangini Ranch property is accessed by a public thoroughfare through the Crystyl Ranch subdivision.

Minor Subdivision of the Property

The Mangini Ranch property consists of approximately 233 acres. On January 9, 2006, the Contra Costa County Zoning Administrator conditionally approved a tentative parcel map to subdivide the 233-acre parcel into one 25-acre parcel and one 208-acre parcel that is to be preserved as open space. Pursuant to the purchase agreement entered into by the parties in February 2005, the Mangini family will retain ownership of the smaller 25-acre parcel and the remaining approximately 208 acres are to be sold to SMD. A permanent access easement of approximately 25-feet width will be created across the 25-acre parcel to allow access to the larger parcel. SMD and the Mangini family are currently working to meet the conditions of approval of the minor subdivision and to finalize the creation of the two parcels.

Natural Resources

The headwaters of Galindo Creek are located on the Mangini Ranch property. The property climbs from 500 feet in elevation at the creek to 1100 feet at the highest ridge, providing high ridge-line views of surrounding Contra Costa County and to Marin, Sonoma, and Solano counties. Additionally, the property has a diversity of habitats including grassland, stream canyons, springs, riparian woodland, oak woodland, chaparral, desert olive scrub, and oak savannah. This diversity of habitat supports a diverse plant and animal life, including special status species like the Alameda whipsnake and the Western horned lizard, Jepson's coyote thistle, Jepson's Woolly sunflower, Hospital Canyon larkspur. The property also includes one of the two northernmost stands of the rare plant community Desert olive scrub.

The property is in close proximity to one of seven historic records of the formerly presumed extinct Mount Diablo buckwheat. The buckwheat was rediscovered in May 2005 (not on the

Mangini property) and is being propagated at the U.C. Berkeley Botanical Garden. The Mangini Ranch property is a potential reintroduction site for Mount Diablo buckwheat.

Public Access

The Mangini Ranch parcel is visible from Ygnacio Valley Road, a main thoroughfare in Central Contra Costa County, and is easily accessible to the public. Mangini Ranch fills in most of the mile and a half gap between Lime Ridge Open Space and Mount Diablo State Park (the remaining gap would be about ½ mile) and extends the southern end of both the Lime Ridge Ridgeline Trail and the California State Riding and Hiking Trail.

A diverse trail network already exists in the Mangini Ranch boundaries and one of the primary long-term management goals will be to further develop and maintain public access on trails across the property. The planned trails will utilize the already existing trails on the property to minimize the impact on sensitive species.

During SMD's initial ownership period, SMD will restrict public access on the property until a long-term management plan can be established. During this time of restricted public access, SMD will organize and conduct at least two public hikes on the property each year.

Grazing

The Mangini Ranch property is currently in use for grazing by the neighboring landowner, Ginocchio. SMD will continue to allow grazing by Ginocchio, but intend to install fencing along the Ginocchio property line to be able to manage the grazing. SMD has also applied to Contra Costa County for a grant to install fencing around the sensitive stream areas and the lowest part of the riparian area.

Project History: The Mangini Ranch property has been owned by generations of the Mangini family going back to the 1880s. The property was threatened when development was first proposed at Crystyl Ranch in 1989. While the Mangini Ranch property was not a part of the proposed Crystyl Ranch development of 700 homes, an 18-hole golf course, and just 30 acres of open space, the proposed Crystyl Ranch development was immediately adjacent to the north property boundary of the Mangini Ranch property. Ultimately, the original Crystyl Ranch proposal was defeated through a public referendum and, four years later, a much smaller proposal for 454 homes, no golf course, and 330 acres of open space was approved. A portion of the 330 acres of Crystyl Ranch Open Space is adjacent to the north property line of the Mangini Ranch property.

In 1990, the Mangini Ranch property was placed just outside of Contra Costa County's Urban Limit Line. To date, the Mangini Ranch has been spared from development and much of the property has remained unfenced. However, over the past ten years, the property has continued to see great developer interest and it has been on the market and optioned on a number of occasions. Current county zoning would allow for subdivision into five parcels for estate home development.

About three years ago, Jim Mangini, one of the five owners of Mangini Ranch, approached SMD about purchasing the property. The five-branched ownership of siblings and their children had many points of view about the property, so it took SMD two years to reach an agreement. Allowing the Mangini family to retain a 25-acre portion of the property was the element of the deal that allowed it to succeed. The purchase agreement was entered into in February 2005 and

SMD has until February 2007 to complete the purchase. SMD has requested \$900,000 in funds from the Conservancy to help raise the remaining funds needed to purchase the property. SMD has been discussing this project with the Conservancy for over a year ago, but was waiting on approval of the minor subdivision application to proceed with the funding request.

Save Mount Diablo was founded in 1971 to secure the open space necessary to preserve the biological diversity and scenic beauty of the mountain. Save Mount Diablo's vision is to protect the visual and natural integrity of the whole of Mount Diablo, including its foothills. During the last 30 years, SMD has helped increase open space on and around the mountain from 6,788 acres to more than 83,000 acres. The Conservancy has worked with SMD on two previous acquisition projects in the Mount Diablo vicinity, the 437-acre Silva Ranch property and the 76-acre Wright Ranch property. The Conservancy has been involved with other projects in the Mount Diablo region including assisting the East Bay Regional Park District with acquiring the 1,030-acre Clayton Ranch property and assisting the State Department of Parks and Recreation with acquiring the 3,800-acre Cowell Ranch property.

PROJECT FINANCING:

Coastal Conservancy	\$900,000
Save Mount Diablo	554,530
In-kind Contributions	<u>37,220</u>
Total Project Cost	\$1,491,570

The expected sources of the proposed grant are the FY 03/04 and FY 04/05 appropriations made to the Conservancy pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40), which allocates bond funds to the Conservancy for the acquisition and protection of land and water resources consistent with the Conservancy's enabling legislation. The proposed project would achieve these purposes by protecting valuable open space and habitat area by acquisition of the property.

Proposition 40 also gives priority to projects that include a commitment for a matching contribution, such as that being provided by SMD. SMD is committed to providing \$554,530 in funds and \$37,220 in in-kind contributions; these sources combined represent 40% of the total project cost. In fact, SMD has already provided an initial deposit of \$150,000 from their own funds; this amount included \$34,000 from over 900 families, raised by Contra Costa Times columnist Gary Bogue on SMD's behalf. SMD has also already received the \$37,220 in in-kind contributions including an appraisal provided by the Mangini family, and biotic investigative services, property cleanup, and surveying services provided by SMD volunteers. If the requested Conservancy funds are granted in full, all but \$50,000 of the remaining funds that SMD needs to contribute to the project are already available. SMD is currently in the process of seeking the necessary funds from individual donors.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, to address resource and recreational goals in the San Francisco Bay Area.

The Mangini Ranch property is located in Contra Costa County, one of the nine San Francisco Bay Area counties in which the Conservancy is authorized, under Sections 31160 and 31162 of the Public Resources Code, to undertake projects and award grants to address resource and recreational goals for the region.

Under Section 31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open space resources of regional significance. The Mangini Ranch property is located adjacent to Crystyl Ranch Open Space and Lime Ridge Open Space and is in close vicinity to Mount Diablo State Park, thus providing a significant wildlife corridor. The headwaters of Galindo Creek are located on the property. The property supports diverse plant and animal life, including special status species like the Alameda whipsnake and the Western horned lizard, Jepson's coyote thistle, Jepson's Woolly sunflower, Hospital Canyon larkspur, and the northernmost occurrence of Desert olive.

In addition, consistent with Section 31162(d), the project will provide open space and a natural area that is accessible to the urban population of the San Francisco Bay Area for recreational purposes. The Mangini Ranch property helps bridge the gap between Lime Ridge Open Space and Mount Diablo State Park (the remaining gap would be about ½ mile) and extends the southern end of both the Lime Ridge Ridgeline Trail and the California State Riding and Hiking Trail. The Mangini Ranch property has an existing diverse trail network in its boundaries and SMD is planning a series of trails on the property for public use.

The Mangini Ranch project satisfies all of the criteria for determining project priority under 31163(c), since the project: 1) is supported by adopted regional plans including the Contra Costa County General Plan; 2) serves a regional constituency in that the project will help preserve habitat and provide public access for the benefit of the population of the San Francisco Bay Area; 3) can be implemented in a timely manner; 4) provides benefits that would be lost if the project is not quickly implemented; and 5) includes significant matching funds.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 10 Objective A**, the proposed project will result in the acquisition of 208 acres of upland habitat. The property also includes the headwaters of Galindo Creek and significant riparian and creek habitat.

Consistent with **Goal 11 Objective A**, the proposed project will result in a significant increase in land that will be accessible to the public for recreational purposes and open up areas to the north on the slopes of Mount Diablo.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project has widespread support, including that of Congressmembers George Miller and Ellen Tauscher, State Senator Tom Torlakson, Assemblymember Joseph Cansilla, Contra Costa County Supervisor Mark DeSaulnier, City of Concord Mayor Laura Hoffmeister, and City of Walnut Creek Mayor Kathy Hicks. In addition, over 900 individuals donated a total of \$34,000 to Save Mount Diablo specifically for the purchase of this property. Letters of support are attached as Exhibit 3.
4. **Location:** The project is located in Contra Costa County, within the jurisdiction of the nine-county San Francisco Bay Area Conservancy Program.
5. **Need:** SMD has until February 2007 to raise \$1,304,530 to complete the acquisition. While SMD has committed to providing approximately 40% of the funds needed to acquire the Mangini Ranch property, the acquisition could not occur without Conservancy support.
6. **Greater-than-local interest:** The project would protect rare wildlife habitat that is of state and federal significance, preserve scenic open space, expand the regional trail system, and provide a wide range of recreational opportunities for the public.

Additional Criteria

7. **Urgency:** The Mangini Ranch property has seen great developer interest over the past ten years and it has been on the market and optioned on a number of occasions. Current county zoning would allow for subdivision into five parcels for estate home development which would fragment habitat, destroy open space, and negatively impact scenic vistas. If SMD was unable to secure the funds to close on this property, the property would likely go back on the open market, be purchased by a developer, and be subdivided.
8. **Resolution of more than one issue:** The project will protect natural habitats, scenic open space, and recreational resources that are at risk of development impacts. The project will provide public access benefits and expand regional trail systems, namely the Lime Ridge Ridgeline Trail and the California State Riding and Hiking Trail.
9. **Leverage:** See the "Project Financing" section above.
10. **Innovation:** The Mangini Ranch acquisition project is innovative because SMD agreed to a scenario where the Mangini family would split off and retain 25 acres, while SMD would acquire the remaining 208 acres. This split was the element of the deal that allowed it to succeed with the current 5-branches of ownership and enabled SMD to secure the most environmentally critical portion of the property at a reasonable price.
11. **Readiness:** SMD signed a purchase agreement for this property in February 2005 and has until February 2007 to close escrow. If the requested Conservancy funds are granted in full, SMD will be just \$50,000 short of its funding needs to complete the acquisition. SMD expects to purchase the property in October 2006, but no later than February 2007.

12. **Realization of prior Conservancy goals:** Protection of the open space, habitat, recreational, and scenic values in proximity to Mount Diablo is consistent with the Bay Program's continuing support of land conservation projects in the Diablo Ridgeland. The Conservancy has assisted both SMD and the East Bay Regional Park District with other land acquisitions in this region.
13. **Cooperation:** The project represents the contributions of a willing seller, the nonprofit land trust, the Conservancy, and private donors to secure this acquisition. In addition, the Mangini Ranch property is adjacent to Lime Ridge Open Space which is jointly owned and operated by the cities of Walnut Creek and Concord; both of these cities support the proposed acquisition.

COMPLIANCE WITH CEQA:

Acquisition of the Mangini Ranch property is categorically exempt from the California Environmental Quality Act (CEQA) in that it involves the acquisition of land dedicated for open space and wildlife habitat purposes and to preserve existing natural conditions (14 Cal. Code of Regulations Section 15325). Staff will file a Notice of Exemption upon Conservancy approval of the project.